IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition No. 10 of 2005 (S/B)

Rtd. Lt. Colonel Puran Lal Sah,
S/o late S.L. Sah,
R/o 24/3, Shastri Nagar, Dehradun,
Uttaranchal. ….. Petitioner

Versus

1. Union of India through
the Secretary of Defense,
New Delhi.
2. Chief C.D.S. (Pension),
Allahabad, U.P. ….. Respondents

Mr. Ashish Kumar Joshi, Advocate for the petitioner.
Mr. Vikas Pandey, Standing Counsel (Central Govt.) for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV Gupta, C. J. (Oral)

Mr. Ashish Kumar Joshi, Advocate for the petitioner.

Mr. Vikas Pandey, Standing Counsel (Central Govt.) for the respondents.

2. Mr. Vikas Pandey, the learned Standing Counsel for the respondents submits that in view of the dictum of the Apex Court in the case of **Col. (Retd.) B.J. Akkara versus The Govt. Of India & Others** reported in **(2006) 11 SCC 709,** now nothing survives in the writ petition for decision and the writ petition has been rendered infructuous.

3. In this view of the matter, the writ petition is dismissed as infructuous.

4. Consequently the interim order dated 19.01.2005, which was extended vide order dated 30.03.2006, stands vacated automatically.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
07.05.2007 07.05.2007

Kawal